

In re) Fair Hearing No. 20,962
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Appeal of)

The petitioner appeals a decision of the Department for Children and Families, Health Access Eligibility Unit (HEAU) terminating her Dr. Dynasaur/Medicaid benefits. The issue is whether the petitioner's income exceeds the program maximum.

1. The petitioner lives with her husband and their newborn child. The child was born on April 6, 2007. At that time the petitioner was receiving Medicaid as a pregnant woman under the Dr. Dynasaur program. In May 2007 the Department notified the petitioner that her Medicaid coverage would end effective July 1, 2007 due to the expiration of the sixty-day "grace period" of categorical eligibility under the Dr. Dynasaur program following the birth of her child.¹

¹ The petitioner's child continued to be eligible for Dr. Dynasaur benefits.

petitioner only eligible for VPharm 3, a program of limited pharmaceutical coverage, effective July 1, 2007.

3. At the hearing (held on August 22, 2007) the petitioner did not dispute the Department's calculations of her household income and conceded that it is well in excess of the Medicaid maximum.² There does not appear to be any dispute that she is covered under basic private insurance, which renders her ineligible for VHAP.

ORDER

The Department's decision is affirmed.

REASONS

Under the Medicaid regulations, pregnant women are eligible for Dr. Dynasaur benefits only until the end of the month following sixty days from the date they give birth. W.A.M. § 3001.21. Although the petitioner remains categorically eligible for regular Medicaid, there is no dispute that her income is well in excess of the financial maximum. There is also no dispute that she has private insurance that provides coverage for hospitalization and physician treatment, thus making her ineligible for VHAP.

W.A.M. § 4001.2. Thus, the Department's decision finding the petitioner ineligible for Dr. Dynasaur and VHAP as of July 1, 2007 must be affirmed. 3 V.S.A. § 3091(d), Fair Hearing Rule No. 17.

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² Based on her income the petitioner was given an applied income or "spend down" amount for Medicaid of \$3,993.90 for the six-month period beginning July 1, 2007.